CONTRACT #1 RFS # 317.03-136

Department of Finance & Administration Division of OIR

VENDOR: Avaya, Inc.

RECEIVED

AUG 1 8 2005



FISCAL REVIEW

STATE OF TENNESSEE

DEPARTMENT OF FINANCE AND ADMINISTRATION

312 EIGHTH AVENUE NORTH SUITE 2100 TENNESSEE TOWER NASHVILLE, TENNESSEE 37243 (615) 741-0300 FAX (615) 532-8532

DAVE GOETZ COMMISSIONER MIKE MORROW DEPUTY COMMISSIONER FOR OPERATIONS

MEMORANDUM

TO:

Jim White, Executive Director

Fiscal Review Committee

FROM:

Mike Morrow

SUBJECT:

Systems Network Architecture (SNA) Maintenance Services

Non-Competitive Amendment Request

DATE:

October 17, 2005

Attached you will find a copy of a Non-Competitive Amendment request to extend the State's contract with Avaya, Inc. for SNA Maintenance services. This request follows the State's unsuccessful attempt to award a competitive contract through a Request for Proposals (RFP) process.

Since September of 2000, the State has contracted with Avaya, Inc. to provide maintenance for AT&T Paradyne network equipment, collectively referred to as the "SNA network." As the end of this contract approached, the Office for Information Resources (OIR) considered the options for providing the ongoing SNA support. Ultimately, OIR determined that it could not support SNA with internal resources, and the decision was made to award a maintenance contract using the RFP process. In August of 2005, the State published an RFP for SNA services. The State received no proposals.

SNA is an aging technology and the parts necessary for repairs are becoming increasingly scarce. However, the State is still dependent upon SNA until it can be phased out, which is currently set to occur in December 2007. The current contract, which was extended once to accommodate the RFP process, will expire on December 14, 2005. Avaya, Inc. has agreed to continue providing the same services with no increase in cost until the phase out of the SNA technology in 2007.

Under these circumstances, OIR believes that it is in the State's best interest to extend the current contract with Avaya, Inc.

Thank you for your consideration of this request.

REQUEST: NON-COMPETITIVE AMENDMENT

APPROVED	
Commissioner of Finance & Administra	tion
Date:	

	EACH RE	QUEST ITEM BELOW <u>MUST</u> BE DETAILED OR ADDRESSED <u>AS R</u>	EQUIRED.							
1)	RFS#	317.03-136								
2)	State Agency Name :	Department of Finance and Administration								
		EXISTING CONTRACT INFORMATON								
3)	Service Caption : Systems Network Architecture (SNA) Maintenance Services									
4)	Contractor: Avaya, Inc.									
5)) Contract # FA-01-14386-00									
6)	Contract Start Date :		September 15, 2000							
7)	Current Contract End Date	IF <u>all</u> Options to Extend the Contract are Exercised:	December 14, 2005							
8)	Current Total Maximum Co	ost IF <u>all</u> Options to Extend the Contract are Exercised :	\$8,000,000.00							
		PROPOSED AMENDMENT INFORMATION								
9)	Proposed Amendment #		4							
10)	Proposed Amendment Effe (attached explanation requir	e ctive Date : ed if date is < 60 days after F&A receipt)	December 15, 2005							
11)	Proposed Contract End Da	ate IF <u>all</u> Options to Extend the Contract are Exercised :	December 31, 2007							
12)	Proposed Total Maximum	Cost IF <u>all</u> Options to Extend the Contract are Exercised :	\$8,000,000.00							
13)	Approval Criteria : (select one)	use of Non-Competitive Negotiation is in the best interest	of the state							
		only one uniquely qualified service provider able to provi	de the service							
14)	Description of the Propos	ed Amendment Effects & Any Additional Service :								
Thi: trar	s amendment will continue th sition to new technology. Th	e current SNA Maintenance Services at the existing rates, for a e amendment will add no additional dollars to the contract.	n additional period of time sufficient to							
15)	Explanation of Need for th	e Proposed Amendment :								
Sin	ce September of 2000, the St	ate has contracted with Avaya, Inc. to provide maintenance for	AT&T Paradyne network equipment,							

December of 2007. At that time the State will no longer have a need for these maintenance services. In March of 2005, the Office for Information Resources initiated research to determine whether the State could allow the present maintenance contract to expire and provide the maintenance with State resources in the interim prior to the SNA sunset. Ultimately, OIR determined that the State could not provide this maintenance. The reasons for this determination include unavailable parts for aging equipment and proprietary aspects of the system that tracks network component failures and repairs. The decision was made to procure an interim SNA maintenance contract using the RFP process. The State completed the RFP process in September of 2005. However, the State did not receive any proposals to provide maintenance for the aging technology. SNA maintenance services are essential for as long as the SNA network remains in place. The State cannot provide the maintenance services directly and has been unsuccessful in attempting to competitively award these services. Therefore, OIR requests that the existing contract with Avaya be extended for two (2) additional years to allow sufficient time to transition to new technology. 16) Name & Address of Contractor's Current Principal Owner(s): (not required if proposed contractor is a state education institution) Donald K. Peterson, Chairman and CEO Avaya, Inc. Headquarters 211 Mt. Airy Road Basking Ridge, NJ 07920 17) Documentation of Office for Information Resources Endorsement: (required only if the subject service involves information technology) select one: Documentation Not Applicable to this Request Documentation Attached to this Request 18) Documentation of Department of Personnel Endorsement: (required only if the subject service involves training for state employees) select one: Documentation Not Applicable to this Request Documentation Attached to this Request 19) Documentation of State Architect Endorsement : (required only if the subject service involves construction or real property related services) select one: Documentation Not Applicable to this Request Documentation Attached to this Request 20) Description of Procuring Agency Efforts to Identify Reasonable, Competitive, Procurement Alternatives: The State did attempt, through the Request for Proposals (RFP) process, to competitively award an SNA maintenance services. contract. The State received no proposals in response to the RFP. 21) Justification for the Proposed Non-Competitive Amendment: Reliable SNA services are essential to the operations of agencies that use the SNA network. This amendment will provide for uninterrupted SNA maintenance services until such time as the State transitions to new technology. In light of the State receiving no proposals in response to the recent RFP and the State's intent to sunset the SNA technology by December 31, 2007, OIR believes that it is in the State's best interest to extend the current SNA maintenance services contract. **REQUESTING AGENCY HEAD SIGNATURE & DATE:** (must be signed & dated by the ACTUAL procuring agency head as detailed on the Signature Certification on file with OCR— signature by an authorized signatory will be accepted only in documented exigent circumstances)

Agency Head Signature

collectively referred to as the "SNA network." The State's plan to sunset the SNA network in July of 2007 has been rescheduled for

AMENDMENT 4 TO CONTRACT FA-01-14386-00

This Contract, by and between the State of Tennessee, Department of Finance and Administration, hereinafter referred to as the State, and Avaya, Inc., hereinafter referred to as the Contractor, is hereby amended as follows:

- 1. Delete Section B.1in its entirety and insert the following in its place:
 - B.1. Contract Term. This Contract shall be effective for the period commencing on September 15, 2000 and ending on December 31, 2007. The State shall have no obligation for services rendered by the Contractor which are not performed within the specified period.

The other terms and conditions of this Contract not amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF:	
Avaya, Inc.:	
Colleen E. Vassallo, Client Executive	Date
Department of Finance and Administration:	
M. D. Goetz, Jr., Commissioner	Date
w. D. Goetz, Jr., Commissioner	Dale .
APPROVED:	
DEPARTMENT OF FINANCE AND ADMINISTRATION:	
M. D. Goetz, Jr., Commissioner	Date
COMPTROLLER OF THE TREASURY:	
John G. Morgan, Comptroller of the Treasury	Date

RULE EXCEPTION REQUEST

APPROVED

				Commissioner of Finance & Adm Date:	inistration					
RFS#	317.03-136		STATE AGENCY:	Department of Finance and Adminis	stration					
		INFORM	NATION ABOUT THE	EXCEPTION(S) REQUESTED						
SUBJE	CT RULE NUMBER(S) :	0620-3-3.0	07(5)							
DESCR	IPTION OF EXCEPTION(S) :								
The dep	partment seeks a rule exce	eption to per	rmit a contract with a	term of approximately seven (7) year	s and three (3) months.					
	ICATION FOR EXCEPTION IN THE PROPERTY IN THE P		ion; relevant backgro	und information; attach additional jus	tification as necessary)					
Decemb Informat and pro- could no aspects mainten not rece SNA ma in respo	per of 2007. At that time the tion Resources (OIR) initially wide the maintenance without provide this maintenance of the system that tracks ance contract using the Rive any proposals to provinintenance services are established.	he State will ated research State resource. The reasonetwork corupton processide maintent sential for a different SNA	I no longer have a ne ch to determine wheth urces in the interim presents for this determine mponent failures and ance for the aging terms long as the SNA nes intent to sunset the A maintenance service.	etwork remains in place. In light of th SNA technology by December 31, 20	n March of 2005, the Office for maintenance contract to expire IR determined that the State ging equipment and proprietary procure an interim SNA 2005. However, the State did the State receiving no proposals					
DECCD	IPTION OF SERVICE TO									
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Systems	s Network Architecture (S	NA) Mainter	nance Services							
BEGIN	DATE: September 15,	2000	END DATE (includia	ng ALL options for term extension):	December 31, 2007					
MAXIM	UM LIABILITY (including	ALL options	s for term extension):	\$8,000,000.00 (this extension doe	es not increase dollars)					
(signed	Y HEAD REQUEST SIGN by the procuring agency I ed signatory)		SIGNATURE	DATE						

		СО	NTF	RACT	S U		Υ	SHEE	ET	8-8-05	
RFS#	<u> </u>	<u> </u>	<u> </u>	<u> </u>	•	Contract #		<u>a de </u>	* .		
		317.03-	136				F	A-01-1438	86		
State Agend	у					State Agency	Divisi	on			
Finance an	nd Administra	ntion				Office for Information Resources (OIR) Travis Johnson – 741-5727					
Contractor	Name		i			Contractor ID # (FEIN or SSN)					
Avaya, Inc.						☐ C- or 🗵] V-	223713430)-01		
Service Des	cription		11					<u></u>			
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Contra	ct Begin Dat	te	Со	ntract End Da	ate	SUBRECIPIE	NT or	VENDOR?		CFDA#	
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2002				a a	-	\$2,500,000.00				\$2,500,000.00	
2002						\$1,000,000.00				\$1,000,000.00	
2003						\$500,000.00	-	<u>.</u>	-	\$500,000.00	
2004						\$350,000.00				\$350,000.00	
2005		·			<u> </u>	\$150,000.00				\$150,000.00	
TOTAL:						\$8,000,000.00				\$8,000,000.00	
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2002	\$2,5	00,000.00		\$0.0	0						
2003	\$1,0	00,000.00		\$0.0	0	 					
2004	\$5	00,000.00		\$0.0	0 Fun	ding Certification	n (certif	ication, require	ed by T	C.A., § 9-4-5113, that there is ed expenditure is required to be	
2005	\$3	50,000.00		\$0.0	0 paid	that is not otherwise	encum	bered to pay	obligati	ions previously incurred)	
2006	\$1	50,000.00		\$0.0	0	•					
TOTAL:	\$8,0	00,000.00		\$0.0	0						
End Date:	12/14/	2005	1	2/31/2007	 -						
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Asian		Fema	ale [Native Am	erican	OTHER mir	ority/	disadvantag	ed—		
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Contract Num	ber FA-01-14	386			·		
Fiscal Year	2001						
Allotment Code	Cost Center	Object Code	Fund	Grant Code	Subgrant Code	CFDA#	Amount
317.03	31519	074	12				\$2,333,334.00
317.03	399	074	12				\$1,166,666.00
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Fiscal Year	2002						
Allotment Code	Cost Center	Object Code	Fund	Grant Code	Subgrant Code	CFDA#	Amount
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Contract Num	ber FA-01-14	1386		• •			
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CONTRACT SUMMARY SHEET SUPPLEMENT

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Allotment Code	Cost Center	Object Code	Fund	Grant Code	Subgrant Code	CFDA#	Amount					
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			TOTAL				\$500,000.					

CONTRACT SUMMARY SHEET SUPPLEMENT

CONTRACT SUMMARY SHEET SUPPLEMENT											
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			TOTAL				\$350,000.00				

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			386	r FA-01-14	Contract Number
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und Grant Code Subgrant CFDA# Amount	Grant Code	Fund	Object Code	ost Center	Allotment C
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Avaya, Inc.	•					V- 223713430-01							
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					\$8,	000,000.00)				\$8	,000,00	00.00
CFDA#	-							Check tl	ne box C	NLYift	ie ansi	wer is	YES:
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Name:	Maureer	n Abbey or, Snodgra	o TN Tow	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		Is the Contractor a VENDOR? (per OMB A-133)							
Phone:	741-607		SS IN IUW			Ms the Fiscal Year Funding STRICTLY LIMITED?							
Procu	ring Agen	cy Budget (Officer App	roval Signa	iture	Is the	Contracto	r on STA	\RS?	H Sign		en de la companie de La companie de la companie de	Х
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AMENDMENT 3 TO CONTRACT FA-01-14386-00

This Contract, by and between the State of Tennessee, Department of Finance and Administration, hereinafter referred to as the State, and Avaya, Inc., hereinafter referred to as the Contractor, is hereby amended as follows:

- 1. Delete Section B.1 in its entirety and insert the following in its place:
 - B.1. Contract Term. This Contract shall be effective for the period commencing on September 15, 2000 and ending on December 14, 2005. The State shall have no obligation for services rendered by the Contractor which are not performed within the specified period.

The other terms and conditions of this Contract not amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF:	
Avaya, Inc.:	•
Coll Vassello	7/20/05
Colleen E. Vassallo, Client Executive	Dafte /
DEPARTMENT OF FINANCE AND ADMINISTRATION:	
M.D. Goeta A. M. D. Goetz, Jr., Commissionel MOA	1/20/05
M. D. Goetz, Jr., Commissionel MOA	Date
APPROVED:	
DEPARTMENT OF FINANCE AND ADMINISTRATION:	₩
MT goth Sitts 8 2005	AUG 0 8 2005
M. D. Goetz, Jr., Commissioner	Date
COMPTROLLER OF THE TREASURY:	
Van G. Noga	8/8/65
John G. Morgan, Comptroller of the Treasury	Date

10102												
CONTRACT SU						MMARYSHEET						
RFS Numl	Number: 317.03-024			Contract	Number:	FA-01-1	14386-02	86-02				
State Age	gency: FINANCE AND ADMINISTRATION					Division: OIR (Velvet Hunter 1-9664)						
Contractor							Contr	actor Ide	entification Num	ber		
AVAYA, INC.						✓ V- ✓ C- 223713430						
				escription	<u> </u>							
MAINTENANCE OF AT&T PARADYNE AND CISCO NETWORK EQUIPMENT												
Contract Begin Date Contract En								act End Date				
SEPTEMB				·			BER 14, 200			1		
Allotment		Cost Center		ect Code	Fund		Grant		Grant Code	Subgrant	Code	
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FY	State	Funds	Federa	1 Funds	Fi	artmental inds	Other	Funding		Total Contract Amount (including ALL amendments)		
2001					\$3,	500,000.00) .			\$3,500,0	00.00	
2002					\$2,	500,000.00)			\$2,500,000.00		
2003						0.000,000.0				\$1,000,000.00		
2004					\$	500,000.00)			\$500,000.00		
2005				·	\$	350,000.0)	\$350,00				
2006					150,000.0)	\$150,00					
Total:					\$8 ,	,000,000.0	י ב			\$8,000,0	00.00	
CFDA#		·						Check tl	ne box ONLY if the	he answer is	YES:	
State Fiscal Contact Is the Contractor a SUBRECIPIENT? (per OMB A-133)												
Name: Address:		EN ABBEY SNODGRASS	TN TOV	VFR	1	Is the Contractor a VENDOR? (per OMB A-133) X						
Phone:	741-607					Is the Fiscal Year Funding STRICTLY LIMITED?						
Procuring Agency Budget Officer Approval Signature						Is the Contractor on STARS?						
221.0						Is the Contractor's FORM W-9 ATTACHED?						
Micheal Minor					Is the Contractors Form W-9 Filed with Accounts?							
COMPLETE FOR ALL AMENDMENTS (only)							Funding Certification					
	Y solv	Base Contra Prior Amend		This Ame	ndment Y	Finance a	nd Administra	ation, do h	13, I, C. Warren Ne ereby certify that the	ere is a balanc	e in	
ENC	DATE →	9/14/05		9/14/05		the approp not otherv	oriation from v vise encumbe	which this red to pay	obligation is require obligations previou	eo to be paid thusly incurred.	iat is	
FY: 2001		\$3,500,0	00.00		0							
FY: 2002		\$2,500,0	00.00		0				<u> </u>	1-1-1-3 1-1-1-3 1-1-1-3		
FY: 2003		\$1,000,0	00.00		0				WA.	SI		
FY: 2004		\$500,0	00.000		0					\sim		
FY: 2005		\$350,0	00.00	·	0		Marine Marine		13.2 C. 14.7 A. 2.	Ca late		
FY: 2006		\$150,0	000.00	· · _	0	O ROCESSED						
	Total:	\$8,000,0	00.00	N .	Ô	MAR ?	1 2002		RYCES	5		
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AMENDMENT TWO TO FA-01-14386-00

This Contract, by and between the State of Tennessee, Department of Finance and Administration, hereinafter referred to as the "State", and Avaya, Inc., hereinafter referred to as the "Contractor", is hereby amended as follows:

- 1. Delete Attachment B REVISED I in its entirety and insert Attachment B REVISED II in its place.
- 2. Delete Section C.3 in its entirety and insert the following in its place:
 - C.3. <u>Payment Methodology</u>. The Contractor shall be compensated based on the Payment Rates herein for units of service authorized by the State in a total amount not to exceed the Contract Maximum Liability established in Section C.1.

SERVICE	PAYMENT RATE
Maintenance within the Principal	See Attachment B - REVISED II
Period of Maintenance. The Principal	•
Period of Maintenance (PPM) is	•
defined as 8:00 AM - 5:00 PM,	
Monday through Friday (excluding	
State holidays).	
Maintenance within the PPM, ONLY as described in Attachment C	\$175 per hour (minimum charge is for 2 hours)
Maintenance outside the PPM	\$175 per hour (minimum charge is for 2 hours)
Installation Services	See Attachment B - REVISED II
On-Site Visit outside the PPM	\$50 per visit

Compensation for maintenance services within the principal period of maintenance (PPM) shall be at the rates set forth in Attachment B - REVISED II, under the column heading "Maintenance Per Item Per Month." The State shall provide a monthly listing of items to be maintained. In addition to the rates set forth in Attachment B - REVISED II, the Contractor shall be compensated for maintenance services provided within the PPM on an hourly rate basis, only as described in Attachment C.

A "month" shall be defined as a calendar month. The Contractor shall bill only for portions of a month if the Contractor provided service less than an entire calendar month.

For services paid on an hourly rate basis, the Contractor shall not be compensated for travel time to the primary location of service provision.

The Contractor shall be compensated for installation services based upon the rates set forth in Attachment B - REVISED II, under the column heading "Installation Per Item One Time Charge." The installation rates shall apply whether the installation is requested within or outside the PPM. The State will request installation services within the PPM, unless there is a critical need for installation outside the PPM.

The Contractor shall submit monthly invoices for completed work, in form and substance acceptable to the State with all of the necessary supporting documentation, prior to any payment. Such invoices shall, at a minimum, include PEC code numbers, descriptions of the units of equipment and services, and all applicable monthly unit rates. Invoices shall also include the number of hours worked outside the PPM, the applicable Payment Rate, and the total amount due the Contractor for the period invoiced.

The other terms and conditions of this Contract not amended hereby shall remain in full force and effect.

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David L. Hill, Senior Manager Andy Mid	ollemis c
David L. Hill, Senior Manager Andy Middle Aren S	Tales Director
DEPARTMENT OF FINANCE AND ADMINISTRAT	ION:
Quaren And 2	2-31-02
C. Warren Neel, Ph.D., Commissioner	Date
APPROVED:	
DEPARTMENT OF FINANCE AND ADMINISTRAT	ION:
C. Warren Red. Co	3-8-82
C. Warren Neel, Ph.D., Commissioner	Date
comptroller of the theasury:	711/02
John G. Morgan, Comptroller of the Treasury	Date

IN WITNESS WHEREOF:

John G. Morgan, Comptroller of the Treasury

Avaya, Inc.

				ACT	SU	M M A	R	Y SH	<u>E E</u>	<u> </u>		
Contract Number FA-01- 143 86 - W					State Agency Finance and Administration							
RFS Nur	RFS Number 317.03-024					Division Office for Information Resources Velvet Hunter 741-9664					- -	
Contractor						Vendor ID Number						
AVAYA, INC.												
					Service D	escription				,		
MAINTE	NANCE O	F AT&T PARAL	YNE AND									
		Contract B	egin Date					Cont	ract E	nd Date		
9/15/00				4		9/14/05						
Allotmer	nt Code	Cost Center	r Ob	ject Code	Fu	nd	. 25	Grant	Gra	ant Code	Subgrant Code	
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FY	Stat	e Funds	<u>`</u>			partmenta inds	1	Other Funding		Total Contract Amount (including ALL amendments)		
2001					\$3	,500,000.0	00			- 70	\$3,500,000.00	
2002					\$2	,500,000.0	00	DEI	EAS	DINHOLON	\$2,500,000.00	
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2006		· · · · · · · · · · · · · · · · · · ·				3150,000.0	1.00 BY OF TOREVIEW \$8,0				\$150,000.00	
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Fiscal Year Funding Is Strictly Limited						8,000,000.00 BY OFFICE SEVIEW \$8,000,000.00 CFDA Number						
	Contrac	tor is on STAF	RS			State Fiscal Contact						
Current Form W-9 On File With Accounts OR Form W-9 Attached						Name Address Phone Maureen Abbey Address Addr						
\boxtimes	Service	Provider Regi	stered wit	h F&A		Procuring Agency Budget Officer Approval Signature						
	Contractor is a SUBRECIPIENT (as defined by OMB Circular A-133)						muheal Monor					
С	OMPLE	TE FOR ALL	AMENDN	IENTS (onl	y)			Fundi	ng Cer	tification	V By	
Base Contract & This Amendment Prior Amendments ONLY						Finance and Administration, do hereby certify that there is a balance in						
Contract End Date						the appropriation from which this obligation is required to be paid that is not otherwise encumbered to pay obligations previously incurred.						
FY				<u></u>		not other	1130 01	·	iy obligi	stone pronode	ny modrodi	
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